



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/328,893	06/09/1999	JORG SCHABERNACK	Q54532	7430

7590 10/22/2002

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373213

EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature

Office Action Summary

Application No.

09/328,893

Applicant(s)

SCHABERNACK ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Claims 1-10 are presented for examination.

Claim Objections

1. Claim 10 is objected to because of the following informalities:

Some typographical errors have been found (i.e., "at lease" should be "at least").

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al (Bennett) (USPN 5,189,733) in view of Mishra (USPN 6,339,587).

Regarding claim 1, Bennett discloses a method comprising steps of checking in response to a request for access to one of a plurality of managed objects whether this requested object is stored in the memory of a network element (see col. 7 lines 6-9); if this requested object is not stored in the memory, checking whether there is sufficient memory space to write this object into the memory (see col. 7 lines 9-13); if there is no sufficient memory space, swapping at least one of the stored objects out of the memory to a database according to at least one predeterminable criterion (see col. 7 lines 13-18); and reading the requested object from the database and writing it into the memory (see col. 7 lines 18-24). Bennett does not disclose a Synchronous Digital

Art Unit: 2155

Hierarchy network as claimed. However, Mishra discloses a Synchronous Digital Hierarchy network (SDH network 91) (see cols. 5-6 lines 52-65). Therefore, it would have been obvious to have used the Synchronous Digital Hierarchy network in Bennett as taught by Mishra because it not only allows transmission at variable bit rates to be carried, but allows individual signals to be added or extracted without demultiplexing other signal multiplexed with it.

Regarding claim 2, Bennett discloses the objects which are accessed most frequently remain in the memory (see col. 7 lines 16-18).

Regarding claim 3, Bennett discloses a predeterminable number of recently accessed objects remain in the memory (see abstract).

Regarding claim 5, Bennett discloses the predeterminable criterion is a length of time which indicates how long each of the objects may remain stored in the memory (see col. 2 lines 12-18).

Regarding claim 6, Bennett discloses the predeterminable criterion is a maximum number which indicates how many objects may remain stored in the memory (see col. 4 lines 3-6).

Regarding claims 7 and 9, Bennett discloses a network element comprising a controller (see fig. 1B) for managing the network element using managed objects, a memory (see col. 4 line 9) connected to the controller, and a database connected to the controller, wherein the controller, in response to requests, manages the network element by accessing the memory and using the objects stored therein (see fig. 9), wherein in response to a request for access to one of the managed objects, the

Art Unit: 2155

controller checks whether this requested object is stored in the memory (see col. 7 lines 6-9), wherein, if this requested object is not stored in the memory, the controller checks whether there is sufficient memory space to write this object into the memory (see col. 7 lines 9-13), wherein, if there is no sufficient memory space, the controller causes at least one of the stored objects to be swapped out of the memory to a database according to at least one predeterminable criterion (see col. 7 lines 13-18), and wherein the controller reads the requested object from the database and writes it into the memory (see col. 7 lines 18-24). Bennett does not disclose a Synchronous Digital Hierarchy network as claimed. However, Mishra discloses a Synchronous Digital Hierarchy network (SDH network 91) (see cols. 5-6 lines 52-65). Therefore, it would have been obvious to have used the Synchronous Digital Hierarchy network in Bennett as taught by Mishra because it not only allows transmission at variable bit rates to be carried, but allows individual signals to be added or extracted without demultiplexing other signal multiplexed with it.

Regarding claim 8, Bennett discloses the memory is a semiconductor memory, and wherein the database is implemented on a nonvolatile mass storage, particularly on a hard disk (see col. 7 lines 20-24).

Regarding claim 10, Bennett does not teach the network element as claimed. However, Mishra teaches at least one of crossconnects, add-drop multiplexers, and line multiplexer (see col. 6 lines 7-10). Therefore, it would have been obvious to have used the element in Bennett as taught by Mishra because it would add or extract signals as required so as to satisfy the request.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett in view of Mishra in further view of Finni (USPN 5,941,978).

Regarding claim 4, the combination of teachings of Bennett and Mishra does not teach CMISE filter as claimed. However, Finni teaches the predeterminable criterion is a filter function, particularly a CMISE filter function, which indicates which objects are to remain stored in the memory (see col. 1 lines 36-63 and col. 4 lines 14-44). Therefore, it would have been obvious to have used the CMISE filter function in the combination of teachings Bennett and Mishra as taught by Finni because it enables the network management system to select a target group for CMIP management operation applied to a network element of a communication network.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 4:30PM.

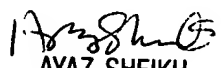
Art Unit: 2155

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz sheikh can be reached on (703) 305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



O.D
October 17, 2002



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100